



UNITED STATES SENATE
**REPUBLICAN
POLICY COMMITTEE**

Larry E. Craig, Chairman
Jade West, Staff Director

November 6, 2001

Pre-Empting Laws in 27 States

The Daschle Amendment is Anti-Federalism

At 2:30 p.m. today, the Senate will stage a cloture vote on an amendment ([No. 2044](#)) to the Labor-HHS-Education appropriation bill ([H.R. 3061](#)) by Majority Leader Daschle that would force states to allow public safety unionism. The Daschle amendment would usurp the authority of all states; pre-empt the laws of 27 states; impose on those states an unfunded mandate of unknown cost; force policemen, firefighters, and emergency medical workers to surrender their bargaining rights; garnish the wages of these same workers; ban volunteer firefighters from many communities; and increase four-fold the likelihood of strikes that shut down police and fire departments.

For these reasons and more, the following state legislatures are among those that since 1998 have rejected – either by vote or inaction – legislation akin to the Daschle amendment. Bill numbers, subject, sponsor (where available), and year introduced are listed.

Arizona

H. 2621	Public Employee Organization Rights	1999	<i>REJECTED</i>
S. 1330	Public Employee Organization Rights	1999	<i>REJECTED</i>

Arkansas

S. 596	Public Employee Relations Act	1999	<i>REJECTED</i>
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Georgia

H. 1482	Public Safety Collective Bargaining	1998	<i>REJECTED</i>
S. 668	Public Safety Collective Bargaining	1998	<i>REJECTED</i>

Indiana

H. 1249	Public Safety Bargaining	1999	<i>REJECTED</i>
S. 399	Public Safety Bargaining	1999	<i>REJECTED</i>

H. 1108	Police & Fire Collective Bargaining	2000	<i>REJECTED</i>
S. 238	Comprehensive Collective Bargaining	2000	<i>REJECTED</i>
H. 1407	Police & Fire Bargaining	2001	<i>REJECTED</i>
S. 100	Police & Fire Bargaining	2001	<i>REJECTED</i>
S. 167	Police & Fire Bargaining	2001	<i>REJECTED</i>

Kentucky

H. 760	Public Safety Collective Bargaining	1998	<i>REJECTED</i>
S. 435	Public Safety Collective Bargaining	1998	<i>REJECTED</i>
H. 743	Comprehensive Collective Bargaining	2000	<i>REJECTED</i>
H. 831	Local Employee Collective Bargaining	2000	<i>REJECTED</i>
H. 334	Statewide Firefighter Bargaining	2000	<i>REJECTED</i>

Mississippi

H. 966	Public Safety Collective Bargaining	1999	<i>REJECTED</i>
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Missouri

S. 156	Public Employee Negotiations	1999	<i>REJECTED</i>
H. 1500	Comprehensive Collective Bargaining	2000	<i>REJECTED</i>
S. 547	Comprehensive Collective Bargaining	2000	<i>REJECTED</i>
S. 120	Collective Negotiations	2001	<i>REJECTED</i>

New Mexico

S. 49	Police & Firefighter Bargaining	2000	<i>REJECTED</i>
S. 178	Comprehensive Collective Bargaining	2000	<i>REJECTED</i>
H. 721	Public Employee Collective Bargaining Act	2001	<i>REJECTED</i>
S. 75	Public Employee Collective Bargaining Act	2001	<i>REJECTED</i>

North Dakota

H. 1381	Political Subdivision Collective Bargaining	1999	<i>REJECTED</i>
H. 1372	Political Subdivision Collective Bargaining	2001	<i>REJECTED</i>

Tennessee

H. 224	Firefighter Bargaining	1999	<i>REJECTED</i>
S. 196	Firefighter Bargaining	1999	<i>REJECTED</i>
H. 1099	Local Government Bargaining	1999	<i>REJECTED</i>
H. 1601	Firefighter & Police Bargaining	2001	<i>REJECTED</i>
S. 768	Firefighter & Police Bargaining	2001	<i>REJECTED</i>

Texas

H. 1099	Public Safety Collective Bargaining	1999	<i>REJECTED</i>
H. 1345	Local Government Collective Bargaining	2001	<i>REJECTED</i>
S. 729	Local Government Collective Bargaining	2001	<i>REJECTED</i>

West Virginia

H. 2287	Public Employment Relations Act	1999	<i>REJECTED</i>
H. 2407	Public Safety Meet & Confer	1999	<i>REJECTED</i>
S. 62	Public Safety Meet & Confer	1999	<i>REJECTED</i>

(Sources: Public Safety Research Council, National Right to Work Committee.)

In full, there are 27 states that have rejected – either by vote or inaction – the Daschle amendment’s insistence on public safety unionism. Thus, the amendment would force governors and legislatures in each of the below states to re-write their laws in accordance with Senator Daschle’s will:

Alabama	Kansas	Oklahoma
Arizona	Kentucky	South Carolina
Arkansas	Louisiana	South Dakota
Colorado	Maryland	Tennessee
Delaware	Mississippi	Texas
Georgia	Missouri	Utah
Idaho	New Mexico	Virginia
Indiana	North Carolina	West Virginia
Iowa	North Dakota	Wyoming

Many of these states’ laws are silent on granting unions monopoly bargaining rights for public safety employees. Others allow limited unionism. Two states – North Carolina and Virginia – have passed

laws explicitly prohibiting public safety unions. All would have their laws pre-empted by the Daschle amendment.

In February, 2000, voters in Grand Junction, Colorado, overwhelmingly defeated (68 percent to 30 percent) a referendum that would have allowed public safety unionism. Today, voters in Virginia will elect a new Senate, House of Delegates, and Governor. Previously, these voters expressed their will by electing a government that explicitly prohibited public safety unionism in the Commonwealth and they have shown no desire to lift that prohibition.

The Daschle amendment effectively would tell Virginians, Coloradans, and others that they may as well not bother to go to the polls, because elected officials from South Dakota and Nevada can override the will of the voters. It's the wrong message to send on election day.

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